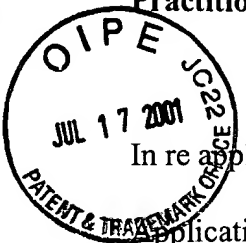


3

Practitioner's Docket No. 35010.126

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bugarin, John; Mackin III, James F.

Application No.: 09/845,149

Group No.: 3651

Filed: 04/30/2001

Examiner: unknown

For: PRODUCT SELECTION OVER A COMMUNICATION NETWORK

Assistant Commissioner for Patents  
Washington, D.C. 20231

SUBSTITUTE SPECIFICATION

Please substitute the attached specification in compliance with 37 CFR 1.52, as per your request in the Notice To File Missing Parts of Nonprovisional Application, dated June 27, 2001, to correct the margins. The attached substitute specification has corrected margins. The attached substitute specification has no new matter.

Respectfully submitted,

SIGNATURE OF PRACTITIONER

ATTORNEY CONTACT:

Michael J. Setter, Reg. No. 37,936

Phone: (303) 546-1300

Fax: (303) 449-5426

CORRESPONDENCE ADDRESS:

Customer No. 28286



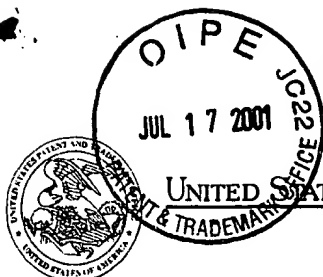
Certificate of mailing 37 CFR 1.8

I hereby certify that this Substitute Specification, along with any paper(s) referred to as being attached or enclosed, is being deposited with the United States Postal Service on 7-13-01, 2001 as First Class Mail, postage prepaid, addressed to: Assistant Commissioner for Patents, Washington, D. C. 20231.

7-13-01  
Date

Laura S. Mellblom  
Laura S. Mellblom

N:\PUBL\LSM\DU\SPA\249857.WPD  
7/13/2001 9:53 AM



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/845,149	04/30/2001	John Bugarin	35010.126

CONFIRMATION NO. 3114

28286  
IP PATENTS  
CHRISMAN, BYNUM & JOHNSON, P.C.  
1900 FIFTEENTH STREET  
BOULDER, CO 80302

## FORMALITIES LETTER



\*OC000000006232053\*

Date Mailed: 06/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below:

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

07/20/2001 MAILD11 00000042 09845149 130.00 DP 01 FC:105

Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

Variable	Unit	Mean	Standard deviation	Minimum	Maximum
Age	Years	34.5	10.2	22	55
Gender	Male/Female	50/50	-	-	-
Marital status	Married/Single	60/40	-	-	-
Education	High school/College/Postgraduate	30/40/30	-	-	-
Income	€1000/€2000/€3000/€4000/€5000/€6000/€7000/€8000/€9000/€10000	20/20/20/20/20/20/20/20/20/20	-	-	-
Occupation	Manager/Engineer/Teacher/Doctor/Lawyer/Artist/Writer/Actor/Model/Entrepreneur/Other	10/10/10/10/10/10/10/10/10/10	-	-	-
Religion	Christian/Muslim/Jewish/Hindu/Buddhist/Sikh/Other	60/30/5/3/2/2	-	-	-
Political affiliation	Conservative/Liberal/Left/Right/Center	30/30/30/30	-	-	-
Health status	Good/Fair/Poor	60/30/10	-	-	-
Smoking status	Smoker/Non-smoker	30/70	-	-	-
Alcohol consumption	Regular/Occasional/None	20/40/40	-	-	-
Exercise frequency	Regular/Occasional/None	30/40/30	-	-	-
Stress level	Low/Medium/High	30/40/30	-	-	-
Life satisfaction	Very satisfied/Satisfied/Neutral/Dissatisfied/Very dissatisfied	20/30/30/20/10	-	-	-



HN

\$ Sector

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

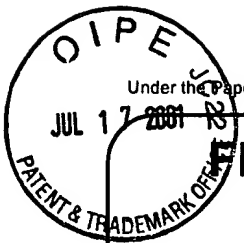
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/845,149
		Filing Date	04/30/2001
		First Named Inventor	Bugarin
		Group Art Unit	unknown
		Examiner Name	unknown
Total Number of Pages in This Submission	38	Attorney Docket Number	35010.126

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Combined Declaration and Power of Attorney; a substitute specification in compliance with 37 CFR 1.52</b>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael J. Setter, Reg. 37,936
Signature	
Date	7/12/01

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>7-13-01</u>			
Typed or printed name	Laura S. Mellblom		
Signature		Date	<u>7-13-01</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 130

## Complete if Known

Application Number 09/845,149  
Filing Date 04/30/2001  
First Named Inventor Bugarin  
Examiner Name unknown  
Group / Art Unit 3651  
Attorney Docket No. 35010.126

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

03-1725

Deposit  
Account  
Name

Chrisman Bynum & Johnson, P. C.

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

### 2. EXTRA CLAIM FEES

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	-20	= 0	X 9	= 0
Independent Claims	-3	= 0	X	= 0
Multiple Dependent			X	= 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 130

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Michael J. Setter	Registration No. Attorney/Agent)	37,936	Telephone	(303) 546-1300
Signature				Date	7-13-01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.